

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-289-RJC
(3:06-cr-363-RJC-3)**


GERALD ADRIAN WHEELER,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on consideration of Petitioner's motion for a certificate of appealability. (Doc. No. 13).

On March 17, 2011, the Court dismissed Petitioner's Section 2255 motion after finding that it lacked merit. (Doc. No. 5). Petitioner appealed to the United States Court of Appeals for the Fourth Circuit and the Court dismissed his appeal after concluding that Petitioner had not made the requisite showing for a certificate of appealability. United States v. Wheeler, No. 11-6643 (4th Cir. Nov. 7, 2012) (unpublished). Because the Fourth Circuit has denied Petitioner a certificate of appealability, his motion before this Court is now moot as that matter has been already been resolved against him.

IT IS, THEREFORE, ORDERED that Petitioner's motion for a certificate of appealability is **DENIED**. (Doc. No. 13).

Signed: September 6, 2013



Robert J. Conrad, Jr.
United States District Judge

